APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,642	02/29/2000	Ryan Alan Danner	95-411	2084

23164	7590	09/21/2004

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EXAMINER
VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/514,642	DANNER ET AL.	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 April 2004* .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,8-10,16,19-24,28-31,35-37 and 43-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,8-10,16,19-24,28-31,35-37 and 43-53* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 February 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Application History

1.   This action is responsive to the application amendment, application amendment filed on 4/19/2004.

2.   Applicant has amended claims 1-3, 10 16, 19 22-24, 28-30 and 37. Applicant has canceled claims 5-7, 11-15, 17-18, 25-27, 32-34 and 38-42. Applicant has added claims 43-53.

3.   Claims 1-4, 8-10, 16, 19-24, 28-31, 35-37 and 43-53 are pending in the case, claims 1, 16, 28 and 46 are an independent claims.

4.   Applicant has amended the specification and drawings in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 12/19/2003). Applicant's amendment has addressed all objections previously made, and therefore, in view of this amendment, objections to the drawings and specifications are withdrawn.

5.   Applicant has amended the claims in response to the rejections cited by the examiner in the *Claim Rejections - 35 USC § 112* sections of the previous office action (dated 12/19/2003). Applicant's amendment has addressed all 35 USC 112 rejections previously made, and therefore, in view of this amendment, the 35 USC 112 rejections to the claims are withdrawn.

6.   The rejection of claims 1-3, 16, 22, 23 and 28-30 made under 35 USC § 102(e)

as being anticipated by Ladd et al., US Patent 6,269,336 has been withdrawn as

necessitated by amendment.

7.   The rejection of claims 4, 24 and 31 made under 35 USC § 103(a) as being

unpatentable over Ladd et al., US Patent 6,269,336 has been withdrawn as

necessitated by amendment.

8.   The rejection of claims 8-10, 19-21 and 35-37 made under 35 USC § 103(a) as

being unpatentable over Ladd et al., US Patent 6,269,336 in view of Serbinis et al.,

US Patent 6,584,466 has been withdrawn as necessitated by amendment.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *"(a) A patent may not be obtained though the invention is not identically disclosed*
> *or described as set forth in section 102 of this title, if the differences between the*
> *subject matter sought to be patented and the prior art are such that the subject*
> *matter as a whole would have been obvious at the time the invention was made*
> *to a person having ordinary skill in the art to which said subject matter pertains.*
> *Patentability shall not be negatived by the manner in which the invention was*
> *made."*

10.   Claims 1-4, 16, 22-24, 28-31 43-49, and 53 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Ladd et al., US Patent 6,269,336, filed 10/2/1998,

patented 7/31/2001 (hereinafter Ladd) in View of Humpleman et al., US Patent

6,546,419, filed 5/7/1999, patented 4/8/2003 (hereinafter Humpleman).

11.   **Regarding independent claim 1,** the preamble of the claim is directed toward a

voice application. Ladd recites: *"The electronic network 104 retrieves information*

from the information source 106 based upon speech commands or DTMF tones

from the user" (column 2, lines 61-64)

Ladd discloses storing an XML document with a shared application control

parameter. Ladd recites: *"The markup language preferably includes text, recorded*

sound samples, navigational controls, and input controls for voice applications"

(column 15, lines 62-64). Ladd discloses sharing the application controls among

multiple users in Figure 3 at reference signs 201 (shown as *"Communication*

Device") and 202 (shown as *"Communication Device"*).

Ladd discloses parsing the XML control document. Ladd recites: "*The voice browser then parses and interprets the information as further described below*" (column 11, lines 46-47) and "*Fig. 4, a block diagram of the voice browser 250*" (column 11, lines 64-65). Also, see Fig. 4, where a "*Parser*" is shown at reference sign 302.

Ladd discloses an executable voice application in an application runtime environment. Ladd recites: "*The markup language enables system designers or developers of service or content providers to create application programs for instructing the voice browser to provide a desired user interactive voice service*" (column 15, line 65 to column 16, line 1).

Ladd discloses storing and parsing the XML control document as described above. Ladd fails to explicitly mention the control of a second voice application. However, Ladd discloses: "*The call control unit 236 of the communication node 212 is preferably connected to the LAN 240. The call control unit 236 sets up the telephone switch 230 to connect incoming calls to the VRU client 232. The call control unit also sets up incoming calls*" (column 8, lines 35-39). Ladd discloses the "*control unit*" handling multiple "*calls*" (compare "*calls*" with "*voice applications*"). Although Ladd fails to explicitly mention the control of a second voice application, Ladd discloses a voice browser that manages multiple calls.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made for Ladd's voice browser to have managed a second

voice application so that "*users can preferably access information from the information source 106 using voice inputs or commands*" (column 2, lines 48-49).

Ladd discloses storing and parsing the XML control document as described above. That it would have been obvious for Ladd's invention to manage multiple voice applications is also described above. Ladd fails to disclose the selective parsing of documents for first and second service subscribers. Humpleman discloses selective parsing of XML documents for control of network application for multiple subscribers. Humpleman discloses multiple subscribers (shown as "*Clients*" at reference sign 12) requesting services in Fig. 3. Humpleman recites: "*An application interface language based on XML is used for control*" (column 12, lines 11-12), and "*a first Application A, designated as Service A, and a second Application B, designated as Service B, communicating over the network 10*" (column 12, lines 26-28) and "*Each of the devices A and B also includes an XML parser 74, comprising program code for parsing and validating XML*" (column 15, lines 53-55).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to enhance the voice browser of Ladd by adding the multiple application control of Humpleman in order to achieve the benefit of "*to provide the ability for various software applications to automatically command and control other various software applications*" (Humpleman, column 2, lines 45-48).

12.   **In regard to dependent claim 2**, Ladd discloses an XML document with an XML tag that specifies service location information. Ladd recites: "*The markup language enables system designers or developers of service or content providers to create*"

application programs for instructing the voice browser to provide a desired user interactive voice service" (column 15, line 65 to column 16, line 1).

13.   **In regard to dependent claim 3**, Ladd discloses a second XML tag that specifies service location information for a second service provider. Ladd discloses the use of multiple service providers. Ladd recites: "*The markup language can include elements that describe the structure of a document or page, provide pronunciation of words and phrases, and place markers in the text to control interactive voice services*" (column 16, lines 11-15).

14.   **In regard to dependent claim 4**, the claim is directed toward the prescribed services being IMAP (Internet Message Access Protocol) and LDAP (Lightweight Directory Access Protocol) services. Ladd disclose the use of Internet protocols for message and directory access. Ladd recites: "*The information source 106 can be identified by an electronic address using at least a portion of a URL (Uniform Resource Locator), a URN (Uniform Resource Name), an IP (Internet Protocol) address, an electronic mail address, a device address (i.e. a pager number), a direct point to point connection, a memory address, etc. It is noted that a URL can include: a protocol, a domain name, a path, and a filename. URL protocols include: "file:" for accessing a file stored on a local storage medium; "ftp:" for accessing a file from an FTP (file transfer protocol) server; "http:" for accessing an HTML (hypertext marking language) document; "gopher:" for accessing a Gopher server; "mailto:" for sending*

an e-mail message; "news:" for linking to a Usenet newsgroup; "telnet:" for opening

a telnet session; and "wais:" for accessing a WAIS server" (column 3, lines 7-24).

15.   **Regarding dependent claim 43**, the claim is rejected for fully incorporating the deficiencies of the base claims.

16.   **Regarding independent claims 16, 28 and 46**, the claims are directed toward a system, computer readable medium and a system, respectively, for the method of claim 1 and are rejected using the same rationale.

17.   **Regarding dependent claims 22, 29 and 47**, the claims are directed toward a system, computer readable medium and a system, respectively, for the method of claim 2 and are rejected using the same rationale.

18.   **Regarding dependent claims 23, 30 and 48**, the claims are directed toward a system, computer readable medium and a system, respectively, for the method of claim 3 and are rejected using the same rationale.

19.   **Regarding dependent claims 24, 31 and 49**, the claims are directed toward a system, computer readable medium and a system, respectively, for the method of claim 4 and are rejected using the same rationale.

20.   **Regarding dependent claims 44, 45 and 53**, the claims are directed toward a system, computer readable medium and a system, respectively, for the method of claim 43 and are rejected using the same rationale.

21.   Claims 8-10, 19-21, 35-37 and 50-52 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ladd in view of Humpleman, and in further view of Serbinis

et al. US Patent 6,584,466 (filed 4/7/1999, patented 6/24/2003). "*Serbinis et al.*" is

hereafter referred to as "*Serbinis*".

22.   **In regard to dependent claims 8, 9 and 10**, the claims are directed toward

generating an XML application event log (claim 8), the structure of the log record

having an element type, an attribute and data (claim 9), and the log element types

being selected from a set of available log element types (claim 10). Ladd and

Humpleman disclose a voice application as described above. Ladd and Humpleman

fail to disclose an XML application event log. Serbinis discloses the generation of an

XML application event log. Serbinis discloses a "*transaction information*" database

table in Fig. 2 at reference sign 67. Serbinis further defines the transaction table with

the following recitation: "*Transaction information tables 67 record data relating to*

each transaction occurring on the DMS system, and include: the identification of

different transaction types; status information for each transaction; and billing

information for each transaction type" (column 7, lines 4-8) (compare "*log element*

type" with "*transaction types*"; "*log element attribute*" with "*status information*"; and

"*element data*" with "*billing information*"). Serbinis further discloses the output of the

log in XML. Serbinis recites: "*The services interfaces also permit users to interact*

with DMS system 17 using client applications specific to the service to be performed.

For example, a web browser may be used to make requests to DMS system 17

using HTTP over Secure Sockets Layers (SSL) protocol, ... and a response may be

returned in Extensible Markup Language ("XML")" (column 15, line 64 to column 16,

line 3). Serbinis also discloses the use of a set of transaction types. Serbinis recite:"

The DMS system of the present invention preferably supports an extensible set of

transaction types. A core set of transaction types is defined by the DMS system and

each service provided by the DMS system may define additional transaction types"

(column 13, lines 21-24).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the

time the invention was made to add the log capabilities of Serbinis to the voice

browser of Ladd and Humpleman in order to *"enable tracking of transactions*

performed on a document" (Serbinis, column 2, lines 39-40).

23. **In regard to dependent claims 19-21**, the claims are directed toward a system

for the method of claims 8-10 respectively, and are rejected using the same

rationale.

24. **In regard to dependent claims 35-37**, the claims are directed toward a

computer readable medium for the method of claims 8-10 respectively, and are

rejected using the same rationale.

25. **In regard to dependent claims 50-52**, the claims are directed toward a system

for the method of claims 8-10 respectively, and are rejected using the same

rationale.

Response to Arguments

26.   Applicant's arguments with respect to claims 1-4, 8-10, 16, 19-24, 28-31, 35-37 and 46-53 have been considered but are moot in view of the new grounds of rejection as stated above.

Conclusion

27.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672 (after 10/12/2004 use (571) 272-4131). The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (703) 308-5465 (after 10/12/2004 use (571) 272-4124). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 (after 10/12/2004 use (571) 272-2100).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
September 13, 2004

STEPHEN S. HONG
PRIMARY EXAMINER